IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 34937 of 2004(H)

PETITIONER:

RAVEENDRAN. K., DIRECTOR OF
MUSEUM & ZOOS (RETD.) RESIDING AT LEKSHMI,
T.C.14/1503, ARAPPURA LANE, KUMARAPURAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.SASITH PANICKER

RESPONDENTS:

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1. NEW INDIA ASSURANCE CO.LTD.,
REPRESENTED BY ITS MANAGER,
BRANCH OFFICE, GOVERNMENT PRESS ROAD,
THIRUVANANTHAPURAM.

2. THE DIVISIONAL MANAGER, NEW INDIA
ASSURANCE CO.LTD., DIVISIONAL OFFICE
KOTTARATHIL BUIDINGS (ANNEX), PALAYAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.S.MOHAMMED USMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE INSURANCE POLICY OF THE VEHICLE NO.KL-01/AD-5445 FOR A PERIOD 31.3.2004 TO 30.3.2005.

EXT.P2: TRUE COPY OF THE FIRST INFORMATION REPORT AS 385 BY THE SUB INSPECTOR OF POLICE CHERTHALAI DT.29.8.2004.

EXT.P3: TRUE COY OF THE BILLS EVIDENCING THE SPARE PARTS ALL REPLACED AND ALSO THE LABOUR CHARGES DT.18.4.2002.

EXT.P4: TRUE COPY OF THE COMMUNICATION OF THE 1ST RESPONDENT DT.18.10.2004.

EXT.P5: TRUE COPY OF THE INTIMATION TO THE 1ST RESPONDENT ON 25.10.2004.

EXT.P6: TRUE COPY OF THE INTIMATION OF the 1ST RESPONDENT 29.10.2004.

EXT.P7: TRUE COY OF THE LETTER TO THE 2ND REPSONDENT DT.4.11.2004.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.34937 OF 2004

Dated this the 18th day of July, 2007

JUDGMENT

On 2.3.2005, the following interim order was issued:

> "The learned counsel for the respondents, after taking instructions, submits that though the claim is for Rs.49,486/-, the respondents have assessed the amount payable to be Rs.33,788/-. There shall be a direction to the respondents to pay the said amount immediately, within a period of two weeks.
>
> Post when moved again."

2. On compliance of the aforesaid order, any further claim of the petitioner would be one that is disputed by the insurer.

Hence, this writ petition is disposed of directing that if the amount covered by the aforesaid order was not disbursed as ordered, such amount shall be disbursed within a period of one month from the date of receipt of a copy of this judgment and in that event, the said amount of Rs.33,788/- will carry interest at the rate of 12% per annum, from 2.3.2005 till the date of

disbursement. It is also clarified that all remedies available to the petitioner, if moved, as regards the disputed amounts, are left open.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.